

U.S. Department of Justice

United States Attorney
Southern District of New York

ORIGINAL

86 Chambers Street
New York, New York 10007

May 19, 2008

By Fax

Hon. Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5-20-08

Re: Victoria L. Bertotti v. Astrue
07 Civ. 8448 (VM)

Dear Judge Marrero:

This Office represents the Commissioner of Social Security, defendant in the above-captioned action. The parties respectfully request an extension of the briefing schedule that the Court has set.

By order dated April 16, 2008, the Court ordered that the defendant was to move by May 19, 2008, plaintiff was to submit her response within thirty days of the date of defendant's motion, and defendant's reply was due fourteen days after plaintiff's opposition. Plaintiff's counsel has written to this Office to propose a possible settlement of this action. Based on plaintiff's submission and on our own discussions with agency personnel, the Commissioner is currently reconsidering his position in this litigation. Because this matter may be resolved without the need for further litigation, we respectfully request that the Court's scheduling order be amended as follows:

- 1) Defendant's motion for judgment on the pleadings IS due by June 20, 2008.
- 2) Plaintiff's opposition to defendant's motion and cross-motion are due by July 21, 2008.
- 3) Defendant's reply, if any, is due by August 4, 2008.

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: 

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cc: Eugenie Gilmore, Esq.
(By Fax)

<p>Request GRANTED. The briefing schedule with regard to the motion <u>for judgment on the pleadings</u> herein is extended as set forth herein: motion papers submitted by <u>6-20-08</u>; response <u>7-21-08</u>; reply <u>8-4-08</u>.</p>	
<p>SO ORDERED.</p>	
5-22-08	
DATE	VICTOR MARRERO, U.S.D.J.